

## Message Text

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R 072000Z MAY 74  
FM SECSTATE WASHDC  
TO AMEMBASSY ATHENS  
INFO JUSMAAG ATHENS  
7206ABGP ATHENAI APRT  
CINCUSAFE RAMSTEIN  
USCINCEUR

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E.O. 11652: N/A

TAGS: MARR, GR, US

SUBJECT: TRIAL OF U.S. MILITARY PERSONNEL BY GREEK COURTS  
MARTIAL

REF: ATHENS 2211; CSG/JACI DTG 121930Z APR 74

1. DEPARTMENT AND DOD FULLY SUPPORT POSITION TAKEN BY  
EMBASSY RE COURT-MARTIAL TRIALS. USG HAS NOT SPECIFICALLY  
AGREED TO SUCH TRIALS IN ANY COUNTRY, AND WHERE QUESTION  
HAS ARISEN DURING SOFA NEGOTIATIONS SPECIFIC PROTECTION  
HAS BEEN NEGOTIATED TO PREVENT COURT-MARTIAL. EXAMPLE IS  
AGREED MINUTES FOR ARTICLE XXII KOREAN SOFA.

2. WE CONCUR EMBASSY SHOULD DELIVER NOTE TO GOG AT APPRO-  
PRIATE HIGH LEVEL TO PROTEST TRIAL OF SGT. CASSIDY BY  
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GREEK COURT-MARTIAL. IN VIEW OPINION OF TRIAL OBSERVER

THAT TRIAL WAS FAIR IN ALL RESPECTS, AND IN VIEW NON-CONTROVERSIAL NATURE OF OUTCOME OF PROCEEDINGS, NOTE SHOULD INCLUDE STATEMENT OF POSITION OF USG AGAINST COURT-MARTIAL TRIALS IN PRINCIPLE, WITH BRIEF SUPPORTING DOCUMENTATION INDICATING USG AND OTHER NATO POWERS HAVE CONSISTENTLY FOLLOWED A POLICY AGAINST SUCH TRIALS.

3. AFTER REVIEWING FACT OF PRIOR EMBASSY NOTE RE CASSIDY, AND RECOUNTING FACT COURT-MARTIAL PROCEEDED TO CONCLUSION THAT CASE NOTWITHSTANDING USG REQUEST, NOTE SHOULD ASSERT FORMAL USG PROTEST AND REQUEST GOG TAKE APPROPRIATE ACTION TO INSURE NO MORE U.S. MILITARY PERSONNEL ARE TRIED BY GREEK COURT-MARTIAL. NOTE SHOULD REITERATE POINT MADE IN 21 JANUARY NOTE THAT AGREEMENT BY USG TO EXERCISE OF GREEK JURISDICTION IN ARTICLE VII, PARAGRAPH 1 (B) NATO SOFA NOT TO BE INTERPRETED AS CONSENT TO TRIAL BY COURT-MARTIAL. IN THIS REGARD EMBASSY SHOULD REFER TO CONSISTENT PRACTICE WITHIN NATO OF REFERRING CASES TO CIVIL COURTS AND MAY SAY USG IS UNAWARE THAT ANY NATO COUNTRY CLAIMS THE RIGHT TO TRY VISITING FORCES BY COURT-MARTIAL. EXPERIENCE IN OTHER NATO COUNTRIES INDICATES THAT ANY PROBLEM WHICH MAY ARISE WITH REGARD TO THE JURISDICTION OF HOST COUNTRY MILITARY COURTS CAN INVARIABLY BE RESOLVED BY THE TRANSFER OF THE CASE TO THE CIVILIAN COURTS OR BY THE GRANTING OF A REQUEST BY THE VISITING FORCE FOR A WAIVER OF THE HOST COUNTRY'S JURISDICTION. IN ADDITION TO EXPERIENCE WITHIN NATO, THE EXPERIENCE OF THE U.S. IN OTHER COUNTRIES USING JURISDICTION AGREEMENTS SIMILAR TO ARTICLE VII NATO SOFA, SUCH AS SPAIN, KOREA, AND PHILIPPINES AFFIRMS THAT HOST GOVERNMENT INTERESTS CAN BE FULLY PROTECTED CONSISTENT WITH THE INTERESTS OF THE VISITING FORCES BY TRANSFER OF CHARGES TO CIVILIAN COURTS OR BY GRANTING OF WAIVERS OF JURISDICTION. NOTE SHOULD CONCLUDE BY EXPRESSING HOPE THAT MATTER CAN BE RESOLVED BY GOG ACTION TO INFORM LOCAL AUTHORITIES OF CORRECT INTERPRETATION OF ARTICLE VII, PARA 1 (B) NATO SOFA.

4. WE UNDERSTAND IT COULD BE COUNTERPRODUCTIVE TO REFER IN NOTE TO PROBLEM OF U.S. CONGRESSIONAL CONCERN ABOUT LIMITED OFFICIAL USE

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FOREIGN COURTS-MARTIAL OF U.S. SERVICEMEN, IN VIEW PRESENT TEMPER OF SOME GOG OFFICIALS. HOWEVER, EMBASSY SHOULD BE AWARE THAT STRONG OPPOSITION EXISTS WITHIN U.S. CONGRESS AND THAT CONGRESSIONAL ENEMIES OF GREEK MILITARY REGIME WILL BE HANDED POWERFUL WEAPON IF GOG PERSISTS IN TRYING U.S. MILITARY PERSONNEL BY COURT-MARTIAL. EMBASSY SHOULD INSURE THIS FACT CLEARLY UNDERSTOOD BY ANY GOG OFFICIALS WHO ARE CONCERNED ABOUT MINIMIZING UN-

NECESSARY ANTAGONISM TO GREEK REGIME WITHIN U.S. GOVERN-  
MENT. RUSH

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